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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,329	02/13/2002	Peter Kenneth Attwood	19111.0072	4553
23517	7590	05/17/2005	EXAMINER	
SWIDLER BERLIN LLP 3000 K STREET, NW BOX IP WASHINGTON, DC 20007			TRUONG, LECHI	
			ART UNIT	PAPER NUMBER
			2194	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,329

Applicant(s)

PETER KENNETH

Examiner

LeChi Truong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. Claims 1-9 are presented for the examination.

#### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1 – 4 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.
3. Claim 1 is directed to method steps, which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. Moreover, each of the claimed steps, inter alia determining, generating can be practiced mentally in conjunctions with pen and paper. The claimed steps do not define a machine or computer implemented process (see MPEP 21061). Therefore, the claimed invention is directed to non-statutory subject matter. (The examiner suggests applicant to change "method" to "computer implemented method" in the preamble to overcome the outstanding 35 U.S.C. 101 rejection).

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-5, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dave Marshall (Remote Procedure call) in view of Admitted Prior Art (APA).

5. As to claim 1, Marshall teaches the invention substantially as claimed including: a first data handling application (the client, sec: How RPC works, ln 5-6/ a client handle, sec: Top level routines, ln 2-3), a second data handling application (the server, sec: how RPC works, ln 4-5/ a server handle, sec: Top Level Routine, ln 1-3), call routine (a procedure call, sec: How RPC works, ln 5), at least one call routine which is executed when the second data handling application is operated (sec: How RPC work, ln 5-8), a software routine( dispatch routine, sec: How RPC works, ln 7-9/ a procedure, Sec: Defining Client and Server Application Code, ln 3-6/ Sec: Compling and running the application, ln 25-27), determining the presence of the second data handling application and, if it is present generating a link to a software routine( sec: Top Level Rountines, ln 1-4), a link to a software routine utilizing when executed, the first data handling application(Sec: Defining Client and Server Application Code, ln 3-6/ Sec: Compling and running the application, ln 25-27), which will be executed by the call routine in the second data handling application( Sec: How RPC Works, ln 5-9).

6. Marshall does not explicit teach installed the first and second data handling application as self-contained. However, APA teaches installed the first and second data handling application as self-contained (seft-contained applications, page 1, ln 7/ a Human resource (HR) application has

been installed, page 1, ln 22-23/ the HR team responsible for the employee data application, page 1, ln 35-37/ page 2, ln 25-30).

7. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Marshall and APA because APA's installed the first and second data handling application as self-contained would improve the flexibility of Marshall's system by allowing the database system associated with APIs to maintain employee data in the application.

8. As to claim 2, Marshall teaches source code defining the software routine for automatic implementation by the second data handling application (sec: How RPC Works, ln 5-8).

9. As to claim 4, Marshall teaches the call routine is only implemented by the second data handling application under certain predetermined conditions (sec: Top level routines, ln 1-4):

10. As to claims 5, 7- 9, they are apparatus claims of claims 1, 2, 4; therefore, they are rejected for the same reasons as claims 1, 2, 4 above.

11. Claims 3, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dave Marshall (Remote Procedure call) in view of Admitted Prior Art (APA), as applied to claim 1 above, and further in view of Burns et al (US. Patent 6,088,694).

12. As to claim 3, Marshall and APA do not explicit teach the software routine controls a data modification operation by the second data handling application in dependence upon data stored in the first data handling application. However, Burns teaches the software routine controls a data modification operation by the second data handling application in dependence

upon data stored in the first data handling application (an application user of the computing system 10 issues an SQL Insert, SQL delete, or SQL update call in the database, the DBMS detects that this operation occur on a column of type datalink, col 9, ln 1-5).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Marshall, APA and Burns because Burns's the software routine controls a data modification operation by the second data handling application in dependence upon data stored in the first data handling application would improve the flexibility of Marshall's system by allowing efficiency managing access and control over data that is linked to a database system.

13. As to claim 6, it is an apparatus claim of claim 3; therefore, it is rejected for the same reason as claim 6 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

May 9, 2005



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